

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39733 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- BETTIAH CITY District- West
Champaran

Sushil Ram @ Sushil Kumar, Son Of Lakshman Ram, resident of Village-
Ambedakar Colony Basvriya PS- Bettiah Town, Dist- West Chaparan

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap
For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 01-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273, 308 and 34 of the I.P.C. and Sections 30(a),
32, 41(1) and 36 of the Excise Act.
3. The learned counsel for the petitioner submits that
the petitioner has antecedent of two cases and the allegation is
of recovery of 10 litres of liquor from a place behind the house
of Jitendra Kumar, 05 litres of liquor from a place behind the
house of Vijay Ram and 06 litres of liquor from a place behind
the house of the petitioner.
4. The learned counsel for the petitioner submits that



petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and after Amendment in the Excise Act, 2018, the concept of deemed possession and presumed offender has been done away with. It is next submitted that even the house, which is a joint family property and thus, it cannot be alleged with certainty that it was the petitioner, who had kept the liquor in the house or the liquor kept in the house was within his knowledge and he came to be implicated at the instance of local person, but the name of the person, who disclosed the name of the petitioner is not disclosed in the F.I.R., which cast an aspersion on the case of the prosecution.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Bettiah, West Champaran in connection with Bettiah Town P. S.



Case No.169 of 2024, subject to the conditions laid down under
Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before
accepting the bail bonds of the petitioner shall verify the
criminal antecedent of the petitioner and in the event, if it is
found that petitioner has antecedent of more than two cases, in
that event, the present anticipatory bail application shall not be
given effect to.

(Satyavrat Verma, J)

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